

# **EXHIBIT E**

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13 Attorneys for Defendants  
 UBER TECHNOLOGIES, INC.  
 14 and OTTOMOTTO LLC

15 UNITED STATES DISTRICT COURT

16 NORTHERN DISTRICT OF CALIFORNIA

17 SAN FRANCISCO DIVISION

18 WAYMO LLC,  
 19 Plaintiff,  
 20 v.  
 21 UBER TECHNOLOGIES, INC.,  
 OTTOMOTTO LLC; OTTO TRUCKING LLC,  
 22 Defendants.  
 23

Case No. 3:17-cv-00939-WHA

**DEFENDANTS UBER  
 TECHNOLOGIES, INC. AND  
 OTTOMOTTO LLC’S RESPONSES TO  
 WAYMO’S FIRST SET OF  
 EXPEDITED INTERROGATORIES  
 PURSUANT TO PARAGRAPH SIX OF  
 THE MAY 11, 2017 PRELIMINARY  
 INJUNCTION ORDER (NOS. 1-9)**

Trial Date: October 2, 2017

1 Defendants further object to the extent this interrogatory calls for information beyond  
2 Defendants’ possession, custody, or control. Defendants further object because Interrogatory  
3 No. 1 is actually two discrete interrogatories, not one.

4 Subject to and without waiving the general and specific objections above, Defendants  
5 respond as follows:

6 As Waymo knows, Defendants have conducted a diligent and extensive search of their  
7 files, servers, and systems (including Mr. Levandowski’s Uber-issued computer) and have  
8 discovered no Downloaded Materials in any such files, servers, or systems. Defendants are not  
9 now, and have not been, in possession of any Downloaded Materials. Uber directed Mr.  
10 Levandowski to return allegedly downloaded files (if any) in his possession and to instruct every  
11 person that he has reason to believe may be in possession to do the same; however, to date, he has  
12 not complied and has therefore been terminated.

13 Prior to the Uber acquisition of Ottomotto, the lawyers representing Uber and Ottomotto,  
14 acting on behalf of Uber and Ottomotto, retained the forensics firm Stroz Friedberg LLC  
15 (“Stroz”) to undertake an investigation in anticipation of possible litigation, and for the purposes  
16 of providing Uber and Ottomotto with facts needed to obtain legal advice. Uber and Ottomotto  
17 therefore have asserted privilege over that investigation and object to this interrogatory to the  
18 extent it seeks to obtain information about what information may be in Stroz’s possession.

19 On or about March 11, 2016, Mr. Levandowski reported to Mr. Kalanick, Nina Qi and  
20 Cameron Poetzsch at Uber as well as Lior Ron that he had identified five discs in his possession  
21 containing Google information. Mr. Kalanick conveyed to Mr. Levandowski in response that Mr.  
22 Levandowski should not bring any Google information into Uber and that Uber did not want any  
23 Google information. Shortly thereafter, Mr. Levandowski communicated to Uber that he had  
24 destroyed the discs. Uber never received those discs, and does not know whether those discs  
25 contained any of the “DOWNLOADED MATERIALS.”

26 **INTERROGATORY NO. 2:**

27 IDENTIFY all Diligenced Employees and the date(s) they became Diligenced Employees  
28 (as that term is used in the OTTOMOTTO MERGER AGREEMENT).

1 **RESPONSE TO INTERROGATORY NO. 2:**

2 Defendants object to this interrogatory as vague and ambiguous as to the meaning of “the  
3 date(s) they became Diligenced Employees.”

4 Subject to and without waiving the general and specific objections above, Defendants  
5 respond as follows:

6 The Diligenced Employees are:

- 7 1. Anthony Levandowski
- 8 2. Lior Ron
- 9 3. Colin Sebern
- 10 4. Don Burnette
- 11 5. Soren Juelsgaard

12 These five individuals became Diligenced Employees on or around April 11, 2016.

13 **INTERROGATORY NO. 3:**

14 IDENTIFY all Uber Devices and Non-Uber Devices (as those terms are defined in  
15 UBER00006444) that LEVANDOWSKI has used to access any of DEFENDANTS’ Networks  
16 (as that term is defined in UBER00006444), or that LEVANDOWSKI could have used to access  
17 any of DEFENDANTS’ Networks (as that term is defined in UBER00006444).

18 **RESPONSE TO INTERROGATORY NO. 3:**

19 Defendants object to this interrogatory because it implicates information protected by the  
20 attorney-client privilege, the work-product doctrine, and the common-interest and joint-defense  
21 privileges. Defendants further objects to this interrogatory to the extent it purports to require  
22 expert opinion. Defendants further object to the interrogatory as vague, ambiguous, and  
23 overbroad because it asks for the identity of any device that Levandowski “could have used” to  
24 access Defendants’ networks, which is infinite in scope.

25 Subject to and without waiving the general and specific objections above, Defendants  
26 respond as follows:

27 To Defendants’ knowledge, Mr. Levandowski used two devices to access Uber’s  
28 networks:

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1 Dated: June 5, 2017

MORRISON & FOERSTER LLP

2  
3 By: /s/ Arturo J. González  
ARTURO J. GONZÁLEZ

4 Attorneys for Defendants  
5 UBER TECHNOLOGIES, INC.  
and OTTOMOTTO LLC  
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HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY

VERIFICATION

I, Eric Meyhofer, declare:

1. I am Head of ATG for Defendant Uber Technologies, Inc. (“Uber”) in the above-captioned action, and I am authorized to execute this verification on behalf of Uber and Ottomotto LLC.

2. I have read Defendants Uber Technologies, Inc. and Ottomotto LLC’s Responses to Waymo’s First Set of Expedited Interrogatories (the “Responses”), and know the contents thereof.

3. I am informed and believe that the matters stated in the Responses are true and correct and, on that ground, allege that the matters stated therein are true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 5th day of June, 2017, at Pittsburgh, Pennsylvania.



Eric Meyhofer